

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**PLAINTIFFS' MOTION TO SEAL
EXHIBITS TO THE DECLARATION OF
CRISTINA SEPE IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL A-
FILE INFORMATION**

Noting Date: January 24, 2020

I. INTRODUCTION

Plaintiffs respectfully request leave to keep under seal Exhibits C–F attached to the Declaration of Cristina Sepe in Support of Plaintiffs' Motion to Compel A-File Information.

On January 9, 2020, Plaintiffs moved to compel production of Named Plaintiffs' A-Files relevant to Plaintiffs' challenge of the Controlled Application Review and Resolution Program ("CARRP") and related extreme vetting programs. *See generally* Dkt. 316. Defendants invoked the law enforcement privilege over these documents. *See id.* Plaintiffs filed four excerpts of Named Plaintiffs' A-file. Defendants designated these documents as "Confidential-Attorneys-Eyes-Only." Following a meet and confer on this issue, Defendants maintain their confidentiality designation over the documents filed under seal. Plaintiffs will provisionally file these exhibits under seal at Dkt. 318.

II. CERTIFICATION

Pursuant to LCR 5(g)(3)(A), Plaintiffs certify that the parties met and conferred telephonically regarding the need for this motion on January 9, 2020. Victoria Braga, Brian Kipnis, Ethan Kanter, and other DOJ counsel participated on behalf of Defendants and Cristina Sepe and Heath Hyatt participated on behalf of the Plaintiffs.

III. ARGUMENT

Plaintiffs move to keep under seal Exhibits C–F attached to the Sepe Declaration because Defendants have designated these documents as “Confidential-Attorney-Eyes-Only” under the protective order, Dkt. 86 at 4 (“nor shall [Confidential Information] be included in any pleading, record, or document that is not filed under seal with the Court or redacted in accordance with applicable law.”). Defendants will file a statement explaining why this material should remain under seal as required by LCR 5(g). *See* LCR 5(g)(3) (“the party who designated the document confidential must satisfy subpart (3)(B) in its response to the motion to seal or in a stipulated motion.”).

Respectfully submitted,

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DATED: January 9, 2020

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s/ David A. Perez
s/ Cristina Sepe
s/ Heath L. Hyatt
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I caused service of the foregoing document via the CM/ECF system, which will automatically send notice of such filing to all counsel of record.

DATED January 9, 2020 at Seattle, Washington.

s/ Cristina Sepe

Cristina Sepe, WSBA No. 53609

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